UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,735	03/30/2001	Jiming Sun	42390P10450	7299

8791 7590 04/15/2005

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER	
DELGADO, MICHAEL A	

ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/822,735	SUN ET AL.	
	Examiner	Art Unit	
	Michael S. A. Delgado	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *8/13/2001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/12/2004 have been fully considered but they are not persuasive. In response to the argument that a packetizer is not taught by Chatterjee.

A packetizer in data communication is an entity that create packet for transmission. A packet is defined in Newton Telecom Dictionary , 18th Updated and expanded edition by Harry Newton at page 546 as "Generic term for a bundle of data, usually in binary form, organized in a specific way for transmission. The specific native protocol of the data network may term the packet as a packet, block, frame or cell. A packet consists of the data to be transmitted and certain control information."

In Chatterjee invention, an encoded binary message is embedded in the body of an Email for transmission (Sec. 0018, lines 6-20). The Email transmission as known in the art requires a header and a body for transmission to be possible. The header has to have a source and a destination address to ensure delivery, while to be in sync with the destination, there has to be a number of framing bit for the destination to be able to restructure the message as it was intended to be. The header is classified as control information while the payload that carries the encoded bit is the data to be transmitted. The Email possessing the above features is consistent with the definition of a packet. An Email has to be created by an Email tool, which makes the Email tool consistent with the packetizer that is being claimed. Without an Email tool, it would have been impossible to create and send an Email as taught in the prior art.

In response to the argument as to the combination of US 6,741,749 by Herbert with Chatterjee. In Chatterjee the use of a digital ink as a first format, which is converted to a second format is taught (Abstract). Herbert indicated at that it was desirable to use other means of communication for a digital ink (Col 5, lines 1-5) Here the instant messaging was indicated as a suitable choice. With the popularity of instance message, and the ability to convert a digital ink in a ASCII format which is one of the supported format of instance messaging. It would have been obvious that some one of ordinary skill at the time of invention could have utilize the popularity of the instance messaging in order to reach a large population of instance message users.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 5-13, 15-23, and 25-30 are rejected under 35 U.S.C. §102(e) as being anticipated by Chatterjee et al. (U.S. Patent Pub. US2002/0081027A1 and US 6,549,675 that is incorporated by reference) hereinafter referred to as Chatterjee.

In regards to claims 1 and 8, Chatterjee disclosed apparatus comprising:

an encoder to encode data having a first format into a string of data having a second format (Sec. 0016, 0018), the first and second formats being different (Sec. 0016, 0018);

a packetizer coupled to the encoder to packetize the string of data into at least one packet having a header (Sec. 0018 and Fig. 2), the header identifying the first format (Sec. 0016, 0021); and

a decoder coupled to the packetizer to decode the at least one packet back into the data having the first format (Sec. 0020, 0023, and Fig. 3).

In regards to claims 2, and 9-10, Chatterjee disclosed wherein the decoder comprises a detector to detect the second format and a converter to convert the string of data back Into the data having the first format. (Sec. 0023)

In regards to claims 3 and 8, Chatterjee disclosed at least one packet is transmitted to a network supporting the second format. This function is realized because packetized messages may be sent as text in an e-mail message. (Sec. 0016)

In regards to claim 5, Chatterjee disclosed wherein the second format is an American Standard Code of Information Interchange (ASCII) format. (Sec. 0016, 0018)

In regards to claim 6, Chatterjee disclosed wherein the data having the first format is ink input data. (Sec. 0016)

In regards to claim 7, wherein the ink input data is obtained from is one of a touch-screen, a digitizer, a tablet, and a mouse. The applicant admits "it is well

known to capture hand written input in an electronic form by capturing information associated with the movement of an electronic pen on a tablet." (Sec 0018) (US 6,549,675 Col 4, lines 20-30) included by reference).

In regards to claims 11 and 18, Chatterjee disclosed a method comprising:

encoding data having a first format into a string of data having a second format (Sec. 0016, 0018), the first and second formats being different (Sec. 0016, 0018);

packetizing the string of data into at least one packet having a header, the header identifying the first format (Sec. 0018 and Fig. 2);

the network transmitting the packet to a decoder (function realized when e-mail recipient recovers encoded ink data from an e-mail message - Sec. 0016) and decoding the at least one packet back into the data having the first format (Sec. 0020, 0023, and Fig. 3)

In regards to claims 12,19, and 20, Chatterjee disclosed wherein the decoding comprises detecting the second format and converting the string of data into the data having the first format. (Sec. 0023)

In regards to claims 13, Chatterjee disclosed wherein the at least one packet is transmitted to a network supporting the second format This function is realized because packetized messages may be sent as text in an e-mail message. (Sec. 0016)

In regards to claim 15, Chatterjee disclosed wherein the second format is an American Standard Code of Information Interchange (ASCII) format. (Sec, 0016, 0018)

In regards to claim 16, Chatterjee disclosed wherein the data having the first Format is ink input data. (Sec. 0016)

In regards to claim 17, Chatterjee disclosed wherein the ink input data is obtained from is one of a touch-screen, a digitizer, a tablet, and a mouse. The applicant admits "it is well known to capture hand written input in an electronic form by capturing information associated with the movement of an electronic pen on a tablet." (Sec 0018) (US 6,549,675 Col 4, lines 20-30) included by reference).

In regards to claims 21 and 28, Chatterjee disclosed a computer program product (Sec. 0016) comprising:

a computer usable medium having computer program code embodied therein, the computer program product having: computer readable program code for encoding data having a first format into a string of data having a second format, the first and second formats being different (Sec. 0016, 0018);

computer readable program code for packetizing the string of data into at least one packet having a header (Sec. 0018 and Fig. 2), the header identifying the first format (Sec. 0016, 0021);and

computer readable program code for decoding the at least one

packet back into the data having the first format (Sec. 0020, 0023, and Fig. 3).

In regards to claims 22, 29, and 30, Chatterjee disclosed wherein the computer readable program code for decoding comprises computer readable program code for detecting the second format and converting the string of data into the data having the first format. (Sec. 0023)

In regards to claim 23, Chatterjee disclosed wherein the at least one packet is transmitted to a network supporting the second format. This function is realized because packetized messages may be sent as text in an e-mail message. (Sec. 0016)

In regards to claims 25, Chatterjee disclosed wherein the second format is an American Standard Code of information Interchange (ASCII) format. (Sec. 0016, 0018)

In regards to claim 26, Chatterjee disclosed wherein the data having the first Format is an ink-input data. (Sec. 0016)

In regards to claim 27, wherein the ink input data is obtained from is one of a touch-screen, a digitizer, a tablet, and a mouse. The applicant admits "it is well known to capture hand written input in an electronic form by capturing information

associated with the movement of an electronic pen on a tablet." (Sec 0018) (US 6,549,675 Col 4, lines 20-30) included by reference).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4, 14, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chatterjee et al as applied to claims 1-3, 5-13, 15-23, and 25-30 above, and further in view of Herbert, Jr. (U.S. Patent No. 6,741,749) hereinafter referred to as Herbert.

Chatterjee teaches encoding and decoding electronic ink data (first format) into ASCII text (second format). Chatterjee also teaches formatting ink data into packets and transmitting ASCII encoded ink data across a network using electronic mail. Chatterjee

doesn't specifically disclose apparatus, method, or computer program product "wherein the network comprises an instant messaging (IM) infrastructure" (transmitting ink data across an instant messaging infrastructure).

Herbert teaches that it is often desirable to capture ink data (handwritten information) so that it may be incorporated into e-mail messages, facsimiles, and instant messages. (Column 5, lines 1-5)

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the teachings of Chatterjee with the teachings of Herbert to expand the number of transport mechanism for transmitting ink data.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

.Hendricks et al (U.S. Pat. App. Pub. 2003/0163525 A1) teaches a system and method for transmitting ink instant messaging with active annotation.

Becker et al (U.S. Pat. App. Pub. 2002/0130904 A1) teaches a method and apparatus for communicating graphical and text information.

Ditzik (U.S. Pat. No. 6,415,256 131) teaches a handwriting recognition system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is (571) 272-3926. The examiner can normally be reached on 7.30 AM - 5.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM A CUCHLINSKI JR can be reached on (571) 272-3925

. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MD

WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100